

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**JOSEPH DINGLER,
#241333,**

Petitioner,

v.

**432ND JUDICIAL DISTRICT OF
TEXAS,**

Respondent.

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Civil Action No. **3:24-CV-2104-L-BN**

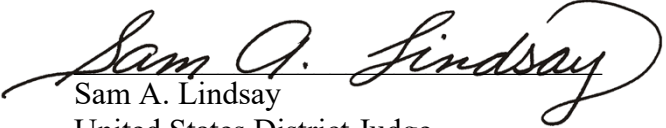
ORDER

On August 28, 2024, United States Magistrate Judge David Horan entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6), recommending that the court dismiss without prejudice pro se Petitioner Joseph Dingler’s (“Petitioner” or “Mr. Dingler”) petition for writ of habeas corpus under 28 U.S.C. § 2241 (Docs. 2 & 3). The Report recommended dismissal because Petitioner failed to exhaust state remedies as required. Petitioner has not filed any objections to the Report, and the time to do so has passed.

Having reviewed the pleadings, file, record in this case, Report, and Petitions, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Mr. Dingler has not satisfied the requirement to exhaust his available state remedies because he has not shown that his pending state court trial has been resolved. Accordingly, the court **denies** Petitioner’s petition for writ of habeas corpus under 28 U.S.C. § 2241. He has failed to exhaust his available state remedies as required, and for this reason, the court **dismisses without prejudice** this action. Further, the court **directs** the clerk of the court to term all pending motions.

A certificate of appealability is not required to appeal the denial of relief under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005). If Petitioner files a notice of appeal, he must pay the \$605 appellate filing fee or submit a motion to proceed in forma pauperis and a properly signed certificate of inmate trust account.

It is so ordered this 17th day of September, 2024.


Sam A. Lindsay
United States District Judge